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PETITION

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In re Application of
Spinoza
Application No. 09/506,361
Filed: February 18, 2000
Attorney Docket No. 604-540

This is a decision on the petition filed June 21, 2000, to accord the above-identified application a filing date of February 18, 2000.

On February 18, 2000, the application was deposited.

On April 21, 2000, the Office of Initial Patent Examination mailed a Notice stating that the specification was missing and that a filing date would be assigned upon receipt of a complete specification including at least one claim.

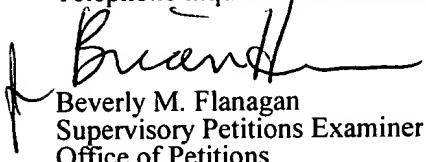
In response, the present petition was filed alleging that a specification was deposited on February 18, 2000.

A review of the record indicates that petitioner's transmittal sheet claimed "priority" of PCT/GB98/02502. A copy of that "priority" document, along with copies of several other patents, was submitted. Per the instant petition, petitioner intended the "priority" document to serve as the specification for the instant application. There was no clear indication of petitioner's intent. Each page of the specification, claims, and drawings contains the header, "WO99/10250 ... PCT/GB98/02502." The papers at issue were therefore construed as a copy of the "priority" application and not as a new application. For the foregoing reasons, although the application will be accorded a filing date of February 18, 2000, the request for a refund of the petition fee is denied.

In view of the above, the petition is **granted** to the extent indicated above.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 18, 2000, using the application papers filed on February 18, 2000 (including papers with the header "WO 99/10250").

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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for Patent Examination Policy